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Attorney for Defendants
ASHOK PATEL, an individual
and in his representative capacity
as trustee; MAMTA PATEL, an
individual and in her representative
capacity as trustee; AMA
GARDENA INVESTMENTS, LLC,
a California Limited Liability
Company

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHRIS LANGER,

Plaintiff,

vs.

ASHOK PATEL, ET AL.,

Defendants.

) No. CV17-04529-GW-AS

) ANSWER TO COMPLAINT

) DEMAND FOR JURY TRIAL

Defendants ASHOK PATEL, an individual and in his
representative capacity as trustee; MAMTA PATEL, an
individual and in her representative capacity as trustee; AMA
GARDENA INVESTMENTS, LLC, a California Limited Liability

1 Company ("Defendants"), for themselves and themselves only,
2 hereby files an Answer to the Complaint ("Complaint") as
3 follows:

4 **FIRST CLAIM FOR RELIEF**

5 1. Defendants do not have sufficient information
6 at this time and upon such a basis deny each and every
7 allegation in paragraphs 1, 8, 10, 12, 13, 14, 15, 16, 17,
8 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
9 33, 34, 35 and paragraph 36 as it incorporates the previously
10 mentioned paragraphs of the Complaint and further denies each
11 and every allegation in paragraphs 37 a-c, 38, 39, 40, 41,
12 42, 43, 44, 45, 46, 47, 48, 49, 50 of the Complaint.

13 2. Defendants deny paragraph 6 of the Complaint.

14 3. Defendants admit paragraphs 2, 3, 4, 5, 9, 11,
15 as incorporated in paragraph 36 of the Complaint.

16 **SECOND CLAIM FOR RELIEF**

17 4. Defendants do not have sufficient information
18 at this time and upon such a basis deny each and every
19 allegation in paragraphs 1, 8, 10, 12, 13, 14, 15, 16, 17,
20 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32,
21 33, 34, 35, 36, 37 a-c, 38, 39, 40, 41, 42, 43, 44, 45, 46,
22 47, 48, 49, 50, and paragraph 51 as it incorporates the
23 previously mentioned paragraphs of the Complaint and further
24 denies each and every allegation in paragraphs 52 and 53 of
25 the Complaint.

26 5. Defendants deny paragraph 6 and paragraph 51 as
27 it incorporates the previously mentioned paragraphs of the
28 Complaint.

1 6. Defendants admit paragraphs 2, 3, 4, 5, 9, 11,
2 as incorporated in paragraph 51 of the Complaint.

3 Defendants allege the following affirmative
4 defenses.

5 **FIRST AFFIRMATIVE DEFENSE**

6 7. The Complaint and each claim for relief alleged
7 against the Defendants herein, fails to state facts
8 sufficient to constitute a claim for relief against the
9 defendant.

10 **SECOND AFFIRMATIVE DEFENSE**

11 8. The Complaint and each claim for relief alleged
12 against the Defendants herein is barred by the fact that
13 Plaintiff is attempting to acquire rights in violation of the
14 Due Process Clause and Equal Protection Clause of the U.S.
15 and California Constitutions.

16 **THIRD AFFIRMATIVE DEFENSE**

17 9. The Complaint and each claim for relief
18 alleged against the Defendants herein is barred in that
19 Plaintiff lacks standing to bring this action.

20 **FOURTH AFFIRMATIVE DEFENSE**

21 10. The Complaint and each claim for relief
22 alleged against the Defendants herein is barred because
23 Congress in enacting the ADA under 42 U.S.C. Section 12101,
24 et seq. has exceeded its powers under Section 5 of the
25 Fourteenth Amendment of the U.S. Constitution, since the
26 remedial legislation enacted under the ADA is not "congruent
27 and proportional" to the evidence in support of alleged
28 violations against handicapped individuals.

FIFTH AFFIRMATIVE DEFENSE

11. The Complaint and the each claim for relief alleged against the Defendants herein is barred because the Defendant without admitting jurisdiction or liability in any manner, is not the operator, lessee and/or owner of said subject property of this lawsuit.

SIXTH AFFIRMATIVE DEFENSE

12. The Complaint and each claim for relief alleged against the Defendants herein is barred in that Plaintiff was not injured and further lacks standing.

SEVENTH AFFIRMATIVE DEFENSE

13. The Complaint and each claim for relief alleged against the Defendants herein is barred in that Plaintiff was not seeking or intending at any time relevant herein to be a customer of said subject property of this lawsuit.

EIGHTH AFFIRMATIVE DEFENSE

14. The Complaint and each claim for relief alleged against the Defendants herein is barred in that Defendant at any time relevant herein was not the owner or in control of said subject property of this lawsuit.

WHEREFORE answering Defendants pray for judgment against Plaintiff as follows:

1. That the Plaintiff take nothing by way of the Complaint;
2. For costs of suit incurred herein;
3. For reasonable attorney fees;

1 4. For such other and further relief as the Court
2 deems just and proper.

3 DATED: August 4, 2017

LAW OFFICES OF FRANK A.
WEISER

4
5 By: Frank A. Weiser

6 FRANK A. WEISER, Attorney for
7 Defendants ASHOK PATEL, an
8 individual and in his
9 representative capacity
10 as trustee; MAMTA PATEL, an
11 individual and in her
12 representative capacity as
13 trustee; AMA GARDENA
14 INVESTMENTS, LLC,
15 a California Limited Liability
16 Company

17 DEMAND FOR JURY TRIAL

18 Defendants hereby demand a jury trial pursuant
19 to F.R.C.P. 38.

20 DATED: August 4, 2017

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21 By: Frank A. Weiser

22 FRANK A. WEISER, Attorney for
23 Defendants ASHOK PATEL, an
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25 representative capacity
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